



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 11, 1998

Mr. Michael Bostic
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-2168

Dear Mr. Bostic:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 117903.

The Dallas Police Department (the "department") received several requests from the same requestor. The requestor asked for documents completed by a named applicant for the police department, and also a copy of standard operation procedures for the Internal Affairs Division, the Criminal Intelligence Section, and the Public Integrity Division. You assert that some information concerning the applicant is confidential under section 552.101 of the Government Code and also that portions of the requested procedures are excepted from disclosure under section 552.108 of the Government Code. Sample documents were provided to this office for review.¹

You submitted to this office criminal history record information ("CHRI") concerning the named individual, which you assert is confidential under section 552.101 in conjunction with other state and federal law. Section 552.101 provides that information is excepted from required public disclosure if it is confidential by law. Title 28, Part 20 of the Code of Federal Regulations governs the release of CHRI which states obtain from the federal government or other states. Open Records Decision No. 565 (1990). The federal regulations allow each state to follow its individual law with respect to CHRI it generates. *Id.* Section 411.083 of the Government Code deems confidential CHRI that the Department of Public Safety (the "DPS") maintains, except that the DPS may disseminate such records as provided in chapter 411, subchapter F of the Government Code. *See also* Gov't Code § 411.087 (entities authorized to obtain information from DPS are authorized to obtain

¹We assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision No. 499 (1988), 497 (1988). Here, we do not address any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

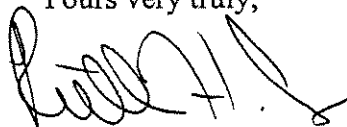
similar information from any other criminal justice agency; restrictions on disclosure of CHRI obtained from DPS also apply to CHRI obtained from other criminal justice agencies).

Sections 411.083(b)(1) and 411.089(a) authorize a criminal justice agency to obtain CHRI; however, a criminal justice agency may not release the information except to another criminal justice agency for a criminal justice purpose, *id.* § 411.089(b)(1). Other entities specified in Chapter 411 of the Government Code are entitled to obtain CHRI from DPS or another criminal justice agency; however, those entities may not release the information except as provided by Chapter 411. *See generally id.* §§ 411.090-.127. Thus, any CHRI generated by the federal government or another state may not be made available to the requestor except in accordance with federal regulations. *See* Open Records Decision No. 565 (1990). Furthermore, any CHRI obtained from DPS or any other criminal justice agency must be withheld under section 552.101 of the Government Code in conjunction with Government Code chapter 411, subchapter F. We agree that the submitted CHRI is confidential and may not be disclosed.

You also submitted to this office police procedure information from the Criminal Intelligence and Public Integrity Divisions. You assert that these procedures are maintained for internal use in matters relating to law enforcement. Section 552.108(b)(1) provides an exception from disclosure for an internal record of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution, when release of the information would interfere with law enforcement or prosecution. We have reviewed the submitted procedures and your arguments. We agree that section 552.108(b)(1) is generally applicable, except for a portion of submitted material that seems to deal strictly with personnel and contract issues rather than law enforcement or prosecution. We marked this portion of the procedures, which must be released. The procedures otherwise are protected from disclosure.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 117903

Enclosures: Submitted documents

cc: Mr. Harold Cornish
601 Nora Lane
DeSoto, Texas 75115
(w/o enclosures)